DoD Policy on Prevention and Response to Sexual Assault

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Deployment Health Support Directorate VSO/MSO Roundtable

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Historical Background

- **February 2004: Secretary Rumsfeld directed a review of DoD treatment and care of sexual assault victims**
- **April 2004: Care for Victims of Sexual Assault (CVSA) Task Force report released**
- **October 2004: DoD Leadership Summit reaches consensus on CVSA Task Force recommendations**

Joint Task Force Sexual Assault Prevention and Response

- **October 2004: Joint Task Force Sexual Assault Prevention and Response established as single point of accountability on sexual assault policy matters**
  - **First priority: Develop DoD sexual assault policy**
- **January 2005: DoD Delivers to Congress New Policy on Prevention and Response to Sexual Assault**

DoD Sexual Assault Policy Objectives

- **Enhance and improve:**
  - **Education and training programs to help prevent sexual assaults**
  - **Treatment and support of victims**
  - **System accountability**
- **Create a climate of confidence:**
  - **Victims of sexual assault**
  - **Commanders and investigators**

Overview of DoD Policy Changes

1. **Definition of Sexual Assault**
2. **Confidentiality**
3. **Commander Checklist**
4. **Response Capability for Sexual Assault**
5. **Increased Victim Support**
6. **Collaboration with Civilian Authorities for Sexual Assault Victim Support**
7. **Training Standards for Service Members**
8. **Training Standards for Response Groups**
9. **Training Standards for Pre-Deployment Information on Sexual Assault and Response**
10. **Collateral Misconduct**
11. **Administrative Separations**
12. **FY 04 Data Call**

Definition of Sexual Assault

- **Sexual assault is a crime. It is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent.**
- **Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts.**
- **Sexual assault can occur without regard to gender or spousal relationship or age of victim.**
- **“Consent” shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.**

Sexual Assault in Society and Military

- **Wisconsin Teen Survey—2000**
  - **18 % said if a guy buys a girl dinner, he has the right to have sex with her**
  - **42% believe if a girl or guy have been drinking & are a little drunk, it isn't sexual assault if he forces her to have sex**
  - **44% if had prior consensual sex, it is not assault if he forces her later**
  - **48% said that if a female consented and then later changed her mind and he had sex with her anyway, it wasn't assault**
- **Boston High School Student Survey—2002**
  - **7% of males ok to force female to have sex on a date**
  - **11% ok if girl was drunk**
  - **15% ok to use force if girl consented and then changed mind**

Sexual Assault Training Standards

- **Establishes baseline training requirements for all Military Services**
- **Develop baseline training standards for responder groups to ensure that everyone, everywhere receives the same level of response**
- **Strengthens pre-deployment training, including cultural and religious information on foreign countries**

Response Capability for Sexual Assault

- **Uniformity in the standards of care**
- **Framework for an integrated sexual assault response capability worldwide**
- **Case management approach**
  - **Personal attention to victim needs**
  - **Accountability of systems providing support**
- **Pre-deployment planning**

Response Capability for Sexual Assault (cont.)

Establishes the position of Sexual Assault Response Coordinator (SARC):

- **Standardized term utilized throughout DoD and the Services**
- **Serves as the single point of contact to coordinate sexual assault victim care**
- **Reports to a senior level of Command designated by the Services**
- **Responsible for tracking the services provided to the victim from initial report of a sexual assault, through disposition**
- **Maintains oversight responsibility for the Victim Advocate**
- **Tracks the dispositions of all military sexual assault cases for their designated area of responsibility**
- **Provides regular updates on status of a case**
- **Responsible for training and reporting**

Enhanced Commander's Toolkit

- **Training on sexual assault policy**
- **Commander's checklist**
- **Establishment of a Sexual Assault Response Coordinator**
- **Enhanced response capability**

Climate of Confidence

- **Appropriate senior level of command to handle cases**
- **All reported cases immediately referred to the MCIO**
- **Specialized training for investigators**
- **Dedicated victim advocates**
- **New approach on victims' misconduct**

Confidential Reporting of Sexual Assault

- **Fundamental Change**
- **Encourage more victims to come forward for help**
- **Provide commanders with a better understanding of the command climate**

Confidential Reporting of Sexual Assault (cont.)

- **Establishes a confidential disclosure option for victims of sexual assault so they can receive medical treatment and counseling without triggering the official investigative process**

- **Identifies Designated Personnel:**
  - **Sexual Assault Response Coordinator**
  - **Victim Advocate**
  - **Healthcare providers**
  - **Chaplains**

- **Directs the DoD Inspector General to come up with guidelines, in coordination with DoD Health Affairs, on collection and preservation of evidence under the confidential reporting process**

Next Steps for Joint Task Force

- **Work with Services on implementation of the Department's Sexual Assault Prevention and Response Programs**
- **Issue DoD Directive and Instruction**
- **Provide on-going oversight of sexual assault programs**
- **Evolve to permanent office by October 2005**